

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 15A	-
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Dan S. Jones	801-530-6720	801-530-6511	dansjones@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):
	State Construction Code Administration and Adoption of Approved State Construction Code Rule
3.	Type of notice:
	New ____; Amendment XXX; Repeal ____; Repeal and Reenact ____
4.	Purpose of the rule or reason for the change:
	The purpose of this rule filing is to update Section R156-15A-401 and 402 by changing from the 2009 edition to the 2012 edition of the International Existing Building Code (IEBC) and by making corresponding technical amendments.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	No XXXX; Yes ____
6.	Summary of the rule or change:
	Subsection R156-15A-401(2): This proposed amendment is being made to change the 2009 edition to the 2012 edition of the International Existing Building Code. Subsection R156-15A-402: These proposed amendments are technical changes to update section numbering to correspond with the numbering in the 2012 edition of the International Existing Building Code. The underlying requirements in these code sections have not changed.
7.	Aggregate anticipated cost or savings to:
	A) State budget:
	Affected: No ____; Yes XXX

The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. The Division also incurred a cost of \$50.95 to purchase the updated 2012 IEBC book. These costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No ___; Yes XXX

Local governments may incur a cost of \$50.95 to purchase the updated 2012 IEBC book if it is determined local government offices need to maintain a copy of this updated book. The Division anticipates the proposed amendments will not result in any significant financial impact on any party and will not result in cost to local governments other than the cost to purchase an updated 2012 IEBC book. This is because these are not mandatory codes but codes approved for adoption by local compliance agencies. These are codes that a local compliance agency may choose to adopt. If the codes are adopted by a local compliance agency, the adoption would result in significant savings to existing building owners. These codes allow for certain cost saving measures to be implemented when an existing building is being remodeled but it is cost prohibitive to the bring the building into full compliance with existing codes. These cost savings cannot be quantified.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ___; Yes XXX

Small businesses may incur a cost of \$50.95 to purchase the updated 2012 IEBC book if it is determined a small business office needs to maintain a copy of this updated book. The Division anticipates the proposed amendments will not result in any significant financial impact on any party and will not result in cost to small businesses other than the cost to purchase an updated 2012 IEBC book. This is because these are not mandatory codes but codes approved for adoption by local compliance agencies. These are codes that a local compliance agency may choose to adopt. If the codes are adopted by a local compliance agency, the adoption would result in significant savings to existing building owners. These codes allow for certain cost saving measures to be implemented when an existing building is being remodeled but it is cost prohibitive to the bring the building into full compliance with existing codes. These cost savings cannot be quantified.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ___; Yes XXX

Other persons may incur a cost of \$50.95 to purchase the updated 2012 IEBC book if it is determined there is a need to maintain a copy of this updated book. The Division anticipates the proposed amendments will not result in any significant financial impact on any party and will not result in cost to other persons other than the cost to purchase an updated 2012 IEBC book. This is because these are not mandatory codes but codes approved for adoption by local compliance agencies. These are codes that a local compliance agency may choose to adopt. If the codes are adopted by a local compliance agency, the adoption would result in significant savings to existing building owners. These codes allow for certain cost saving measures to be implemented when an existing building is being remodeled but it is cost prohibitive to the bring the building into full compliance with existing codes. These cost savings cannot be quantified.

8. Compliance costs for affected persons:

Affected persons may incur a cost of \$50.95 to purchase the updated 2012 IEBC book if it is determined there is a need to maintain a copy of this updated book. The Division anticipates the proposed amendments will not result in any significant financial impact on any party and will not result in cost to affected persons other than the cost to purchase an updated 2012 IEBC book. This is because these are not mandatory codes but codes approved for adoption by local compliance agencies. These are codes that a local compliance agency may choose to adopt. If the codes are adopted by a local compliance agency, the adoption would result in significant savings to existing building owners. These codes allow for certain cost saving measures to be implemented when an existing building is being remodeled but it is cost prohibitive to the bring the building into full compliance with existing codes. These cost savings cannot be quantified.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This filing incorporates, with specified modifications, the current edition of the International Existing Building Code as the industry standard in Utah. In many circumstances, these updated code standards will allow builders to implement cost saving measures when remodeling an existing building. Such savings will vary and cannot be estimated.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) : Subsection 58-1-106(1)(a) Subsection 58-1-202(1)(a) Subsection 15A-1-204(6) Section 15A-1-205		
11.	This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):		
		First Incorporation	Second Incorporation
	Official Title of Materials Incorporated (from title page)	International Existing Building Code	
	Publisher	International Code Council	
	Date Issued		
	Issue, or version	2012	
	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference	50.95	
	Action: Adds, updates, or removes	Updates	
	(If this rule incorporates more than two items by reference, please attach additional pages)		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		10/01/2014
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
	09/10/2014	10:30 AM	Sandy City Hall, 10000 South Centennial Parkway, Room 341, Sandy, Utah
13.	This rule change may become effective on (mm/dd/yyyy):		10/08/2014
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	contractors	building codes	
	building inspection	licensing	
15.	Attach an RTF document containing the text of this rule change (filename):		R156-15A.pro
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			

Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	08/05/2014
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eRules v. 2: ProposedRule.doc 09/03/2009 (<http://www.rules.utah.gov/agencyresources/forms/ProposedRule.doc>)

R156. Commerce, Occupational and Professional Licensing.

R156-15A. State Construction Code Administration and Adoption of Approved State Construction Code Rule.

R156-15A-401. Adoption - Approved Codes.

Approved Codes. In accordance with Subsection 15A-1-204(6)(a), and subject to the limitations contained in Subsection 15A-1-204(6)(b), the following codes or standards are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal, seismic evaluation, and rehabilitation in the state:

- (1) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;
- (2) the ~~[2009]~~2012 edition of the International Existing Building Code (IEBC), including its appendix chapters, promulgated by the International Code Council;
- (3) ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers;
- (4) ASCE/SEI 41-06, the Seismic Rehabilitation of Existing Buildings, promulgated by the American Society of Civil Engineers, 2007 edition.

R156-15A-402. Statewide Amendments to the IEBC.

The following are adopted as amendments to the IEBC to be applicable statewide:

- (1) ~~[In Section 101.5 the exception is deleted.~~
- ~~——(2)——~~ In Section 202 the definition for existing buildings is deleted and replaced with the following:

EXISTING BUILDING. A building lawfully erected under a prior adopted code, or one which is deemed a legal non-conforming building by the code official, and one which is not a dangerous building.

- (2) In Section 301.1 the exception is deleted.

- (3) In Section ~~[605.1]~~705.1, Exception number 3, the following is added at the end~~[of the sentence]~~:

"This exception does not apply if the existing facility is[unless] undergoing a change of occupancy classification."

- (4) Section ~~[606.2.1]~~706.2.1 is deleted and replaced with the following:

~~[606.2.1]~~706.2.1 Parapet bracing, wall anchors, and other appendages. Buildings constructed prior to 1975 shall have parapet bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. evaluated by a licensed engineer when said building is undergoing reroofing, or alteration of or repair to said feature. Such parapet bracing, wall anchors, and appendages shall be evaluated in accordance with the reduced International Building Code level seismic forces as specified in IEBC Section ~~[101.5.4.2]~~301.1.4.2 and design procedures of Section ~~[101.5.4]~~301.1.4. When found to be deficient

because of design or deteriorated condition, the engineer's recommendations to anchor, brace, reinforce, or remove the deficient feature shall be implemented.

EXCEPTIONS:

1. Group R-3 and U occupancies.

2. Unreinforced masonry parapets need not be braced according to the above stated provisions provided that the maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F.

(5) Section ~~[907]~~1007.3.1 is deleted and replaced with the following:

~~[907]~~1007.3.1 Compliance with the International Building Code Level Seismic Forces. When a building or portion thereof is subject to a change of occupancy such that a change in the nature of the occupancy results in a higher ~~[seismic occupancy]~~risk category based on Table 1604.5 of the International Building Code; or where such change of occupancy results in a reclassification of a building to a higher hazard category as shown in Table ~~[912]~~1012.4; or where a change of a Group M occupancy to a Group A, E, F, ~~[M]~~I-1, R-1, R-2, or R-4 occupancy with two-thirds or more of the floors involved in Level 3 alteration work; or when such change of occupancy results in a design occupant load increase of 100% or more, the building shall conform to the seismic requirements of the International Building Code for the new ~~[seismic use group]~~risk category.

Exceptions 1-4 remain unchanged.

5. Where the design occupant load increase is less than 25 occupants and the occupancy category does not change.

(6) In Section ~~[912]~~1012.7.3 exception 2 is deleted.

(7) In Section ~~[912]~~1012.8.2 number 7 is added as follows:

7. When a change of occupancy in a building or portion of a building results in a Group R-2 occupancy, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one unit, of the dwelling or sleeping units shall be Type A dwelling units.

KEY: contractors, building codes, building inspection, licensing

Date of Enactment or Last Substantive Amendment: ~~[July 22,]~~2014

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 15A-1-204(6); 15A-1-205